

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
SE/S South Seneca Road, 490' SE * ZONING COMMISSIONER
of New Section Road (1323 South Seneca Road) * OF BALTIMORE COUNTY
15th Election District * Case No. 91-404-A
5th Councilmanic District
Hawley Rogers, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 48 feet in lieu of the required 50 feet for a proposed swimming pool in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This project is contained within the Chesapeake Bay Critical Areas and as of the date of this Order, no comments have been received from the Department of Environmental Protection and Resource Management (DEPRM). The Petitioners will be required to comply with all Chesapeake Bay Area requirements issued by DEPRM as a condition of this Order.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of June, 1991 that the Petition for Residential Variance to permit a side yard setback of 48 feet in lieu of the required 50 feet for a proposed swimming pool, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with all Zoning Plans Advisory Committee comments, including, but not limited to, the comments submitted by the Department of Environmental Protection and Resource Management.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 6/21/91
By [Signature]

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1.A.O.4.3.B.3 to allow a side yard setback of 48' in lieu of the required 50' minimum.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

City/State/Zip Code

Attorney for Petitioners:

(Type or Print Name)

Signature

Attorney's telephone number

Legal Owner(s):

HAWLEY ROGERS

(Type or Print Name)

Hawley Rogers

Signature

Wendy W. Rogers

(Type or Print Name)

Wendy W. Rogers

Signature

1323 S SENeca RD. 335 3625

BALTIMORE MD 21220

Address

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of June, 1991, that the subject matter of this petition be posted on the property on or before the 25th day of May, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the ____ day of ____, 19__, at ____ o'clock, ____.

ORDER RECEIVED FOR FILING

Date

By

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-404-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 1323 S Seneca Rd
Baltimore MD 21220
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Hawley Rogers
AFFIANT (Handwritten Signature)

HAWLEY ROGERS
AFFIANT (Printed Name)

Wendy W. Rogers
AFFIANT (Handwritten Signature)

WENDY W. ROGERS
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of June, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

6/23/91
DATE

[Signature]
NOTARY PUBLIC

My Commission Expires:

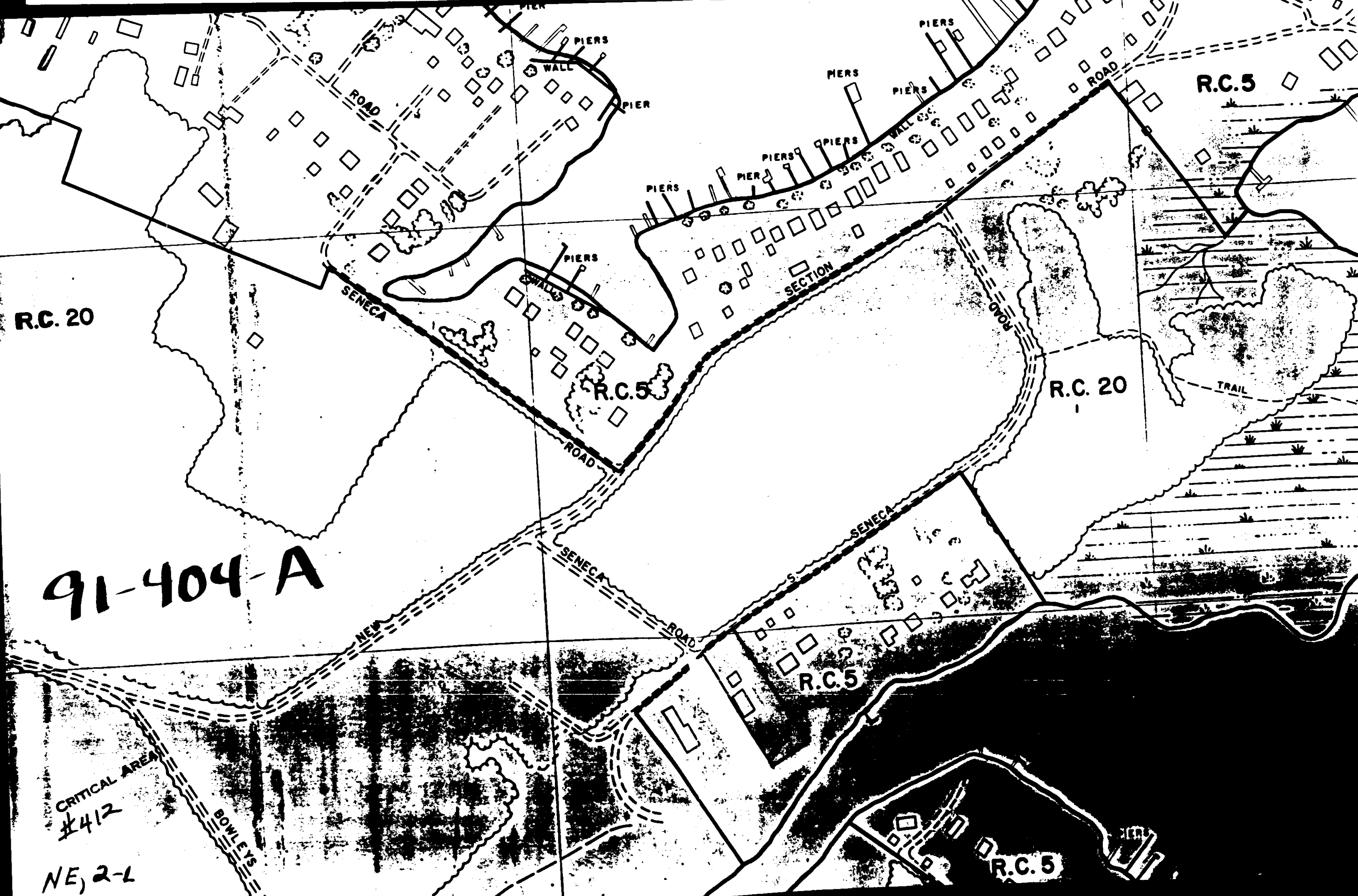
November 17, 1993

CRITICAL AREA

Zoning Description

91-404-A

Beginning at a point on the Southeast side of South Seneca Rd., 490 ft. southeast of New Section Rd. Being lot nos. 230 & 231 in the subdivision of Bowleys Quarters, as recorded in Balto. Co. Plat Book 9 folio 12 containing 0.73 acre±. Also known as 1323 South Seneca Rd. and located in the 15th Elect. Dist. District.



Plat to accompany Petition for Zoning Variance ☒ **Special Hearing**

see pages 2 & 3 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 1525 SOUTH SENeca Road
 Subdivision name: QUAKES
 Unit: 1000
 Owner: Peterson's

91-401-A

LOCATION INFORMATION

Complan District: 2-4
 Election District: 1525
 1-500 scale map: NE 1/4 2-L
 Zoning: RCS
 Lot size: 0.73 acres

SEWER: ☐ **WATER:** ☐
Chesapeake Bay Critical Area: ☐
Prior Zoning Hearing: None

Zoning Office USE ONLY
 ITEM # 413
 CASE # 91-401-A

Scale of Drawing: 1" = 60'

No. th
 date: 4-25-91
 prepared by: 6601 6/6/91



**BALTIMORE
 OFFICE OF PLAN
 PHOTOGRA**

PREPARED BY AIR PHOTOGRAPHICS, INC.
 MARTINSBURG, W.V. 25401

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

111 West Chesapeake Avenue
 Towson, MD 21204

June 5, 1991

887-3353

Mr. & Mrs. Hawley Rogers
 1323 South Seneca Road
 Baltimore, Maryland 21220

RE: PETITION FOR RESIDENTIAL VARIANCE
 SE/S South Seneca Road, 490' SE of New Section Road
 (1323 South Seneca Road)
 15th Election District - 5th Councilmanic District
 Hawley Rogers, et ux - Petitioners
 Case No. 91-404-A

Dear Mr. & Mrs. Rogers:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner
 for Baltimore County

JRH:bjs

cc: Chesapeake Bay Critical Areas Commission
 Tawes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File

91-403-A

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: June 6, 1991
 Zoning Commissioner

FROM: Pat Keller, Deputy Director
 Office of Planning and Zoning

SUBJECT: Richard M. Hollis, Item No. 410
 Marc H. Nachman, Item No. 411
 Georgia W. Baublitz, Item No. 419

In reference to the petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMS.3/ZAC1

**Baltimore County
 Zoning Commissioner**

County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Account: R-001-6190
 Number

Date: 4-25/91

89100+12

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (VFL)	1 X	\$35.00
080 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00

LAST NAME OF OWNER: ROGERS

04A04#0073MCHRC
 Please Make Checks Payable To: Baltimore 66-60107-05A04-25-91

Checklist Validation

\$60.00

May 27 91-404-A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: May 10, 1991
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Frank A. Cirincione, Item No. 385
Stanley Z. Steinberg, Item No. 392
John D. Perenchik, Item No. 396
Andrew F. David, Item No. 399
Richard J. Romano, Item No. 400
White Marsh Joint Venture, Item No. 401
Francis T. Leyden, Item No. 402
Charles A. Romano, Item No. 404
Dale J. Lohman, Item No. 405
T & G Partnership, Item No. 407
Westview Mall Association, Item No. 408
George Bromwell, Item No. 409
Hawley Rodgers, Item No. 412
Joseph Ruzza, Item No. 416
Ronald L. Morman, Item No. 418
Victor Khouzami, Item No. 422

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARIEDIT.EMS/ZAC1

received
5/22/91

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

May 14, 1991

887-3353

Mr. & Mrs. Hawley Roger
1323 S. Seneca Road
Baltimore, MD 21220

RE: Item No. 412, Case No. 91-404-A
Petitioner: Hawley Rogers, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Rodgers:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
25th day of April, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Hawley Rogers, et ux

Petitioner's Attorney:

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MAY 3, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: HAWLEY ROGERS
Location: #1323 SOUTH SENECA ROAD
Item No.: 412 Zoning Agenda: MAY 7, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Keller* Noted and Approved *Captain W.F. Brady*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 6, 1991
FROM: Dennis A. Kennedy, P.E.
RE: Zoning Advisory Committee Meeting
for May 7, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 405, 406, 407, 408, 409, 410, 411, and 412.

For Item 323 (Case #91-341-SFH), the previous County Review Group Meeting comments are still applicable.

For Item 397 (revised), a revised County Review Group Meeting is required.

Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DAK:is

received
5/9/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: May 29, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Fanni

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 7, 1991

This office has no comments for items number 405, 406, 407, 408, 409, 410, 411 and 412.

Rahee J. Fanni
Rahee J. Fanni
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines DATE: June 18, 1991
Zoning Commissioner

FROM: Mr. J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 412
Rodgers Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1323 S. Seneca Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Hawley Rodgers
APPLICANT PROPOSAL

The applicant has requested a variance from Section 1.A.0.4.3.B.3 of the Baltimore County Zoning Regulations to permit a side yard setback of 38 feet in lieu of the required 50 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

<COMAR 14.15.10.01.0>

Mr. J. Robert Haines
June 18, 1991
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: This proposed pool is located approximately 95 feet from the tidal waters of Seneca Creek. This is no closer than the existing house development on the property.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The sum of impervious surfaces equals 15% of the lot. Additional impervious surfaces that exceed 15% shall not be permitted.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04 C.(5)>.

Finding: This property presently contains 15% tree cover. No additional tree planting shall be required. However the planting of native species is always encouraged. Native plants provide habitat for native wildlife. Trees are also an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

5. Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;